IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.86 OF 2005

IN

SUIT NO.3705 OF 2004

...

M/s.A.Himanshu & Co. ...Plaintiff

v/s.

M/s.B.V.Jewels & Ors. ...Defendants

...

Ms.Rajani Iyer i/b M/s.Halai & Co. for the Plaintiff.

Mr.D.D.Madon i/b S.Pathak & Co. for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 11TH JULY, 2006

P.C.:

By consent of parties the summons for judgment is disposed of in following terms:

(i) Defendants to deposit in this court with due intimation to the Plaintiff Rs.40,00,000/- (Rupees Forty Lakh) on or before 30th November, 2006 and further an amount of Rs.10,00,000/- (Rupees Ten Lakh) on or before 31st January, 2007.

(ii) In case the amount is so deposited, the summons for judgment shall stand disposed of and leave to defend shall stand granted to the Defendants. In that event the Defendant shall file their written statement within a period of eight weeks from 31-1-2007.

(iii) In case the Defendants commit default in depositing the amount as directed above, this summons for judgment shall stand granted and the suit of the Plaintiff shall stand decreed in terms of prayer clause of the suit without any further reference to

the Court.

(iv) In case the amount is so deposited by the Defendants, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw the amount on furnishing a bank guarantee to the satisfaction of the Prothonotary & Sr.Master of this Court and filing an undertaking, undertaking to this court to bring back the amount, if so directed by this Court and further undertaking that in the event of the Court directing the Plaintiff to bring back the amount, the rate of interest shall not be less than 12% p.a.

(v) In the event the Plaintiff fails to withdraw the amount within eight weeks from the date of its deposit, the amount shall be invested in fixed deposit in a nationalised bank during the pendency of the suit.

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